



1639

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Stephanopolous *et al.*

Serial No: 10/076,106

Attorney Docket No. MIN-P01-038

Filed: February 13, 2002

Art Unit: 1639

For: DYNAMIC WHOLE GENOME  
SCREENING METHODOLOGY  
AND SYSTEMS

Examiner: Epperson, Jon D.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

November 17, 2003

Date of Signature  
and of Mail Deposit

  
Joanne Ryan

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO SEQUENCE LISTING OFFICE ACTION**

Sir:

This amendment is being filed in reply to the outstanding Office Communication, mailed October 29, 2003, in connection with the above application.

The Office Communication asserts that the application contains sequence disclosures but fails to comply with the requirement of 37 CFR 1.821 – 1.825, because the application allegedly does not contain, as a separate part of the disclosure on paper copy, a “Sequence Listing” as required by 37 CFR 1.821(c). The Office Communication also specifically points to the nucleic acid sequence on page 14, line 25, and requests Applicants to re-check the entire specification, and submit an initial CRF copy of the “Sequence Listing.”

Applicants submit that a Sequence Listing containing the nucleic acid sequence disclosed on page 14, line 25 was filed electronically on October 7, 2002, the receipt of which was acknowledged by OIPE. Applicants hereby submit a copy of the documents related to the

electronic filing of the Sequence Listing, together with a copy of the return postcard bearing an OIPE stamp date of October 16, 2002. In addition, Applicants submit a copy of the PAIR print-out, indicating that "CRF is good technically / entered into database" on October 8, 2002.

Finally, Applicants have re-checked the entire specification, and found no other sequences that should be included in the Sequence Listing as required by 37 CFR 1.821-1.825. Applicants respectfully request the Examiner to point out any additional sequences that should be included in the Sequence Listing.

### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending objections.

Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000.

If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Respectfully Submitted,

Date: November 17, 2003

*Customer No: 28120*  
Docketing Specialist  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
Fax: 617-951-7050

*Yu Lu, Ph.D.*  
Reg. No. 50,306



## Notice to Comply

Application No.  
10/076,106

Applicant(s)  
Stephanopoulos et al

Examiner

Jon D. Epperson

Art Unit

1639

Paper No  
8

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: e.g., see page 14, line 25. Please re-check entire specification.

#### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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Search results for application number:10/076,106			
Application Number:	10/076,106	Customer Number:	28120
Filing or 371(c) Date:	02-13-2002	Status:	Non Final Action Mailed
Application Type:	Utility	Status Date:	10-29-2003
Examiner Name:	EPPERSON, JON D	Location:	TC 1600 CENTRAL FILES, CM1-3C10
Group Art Unit:	1639	Location Date:	10-29-2003
Confirmation Number:	8521	Earliest Publication No:	US 2003-0027175 A1
Attorney Docket Number:	MIN-P01-038	Earliest Publication Date:	02-06-2003
Class/ Sub-Class:	435/006	Patent Number:	-
First Named Inventor:	Gregory Stephanopoulos, Winchester, MA (US)	Issue Date of Patent:	-
Title Of Invention:	Dynamic whole genome screening methodology and systems		

[Continuity Data](#)[Publication Review](#)[Published Documents](#)**File Contents History**

Number	Date	Contents Description
16	10-29-2003	Mail Miscellaneous Communication to Applicant (Count Credited)
15	10-29-2003	Miscellaneous Action with SSP
14	02-11-2003	Information Disclosure Statement (IDS) Filed
13	04-07-2003	Case Docketed to Examiner in GAU
12	10-29-2002	Application Dispatched from OIPE
11	10-28-2002	Application Is Now Complete
10	10-07-2002	A payment by the applicant to cover the cost of basic filing, claims, issue fees, etc.
9	10-07-2002	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in
8	10-07-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
7	10-08-2002	CRF Is Good Technically / Entered into Database
6	08-25-2002	Receipt of all Acknowledgement Letters
5	04-08-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated
4	03-07-2002	Incomplete Application under Rule 53(b) - Filing Date Assigned
2	02-28-2002	IFW Scan & PACR Auto Security Review
1	02-13-2002	Initial Exam Team nn

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Via:	First Class Mail	Atty Dkt No.:	MIN-P01-038
Inventor:	Stephanopoulos et al.		
Application No.:	10/076106	Filing Date:	February 13, 2002
Title:	DYNAMIC WHOLE GENOME SCREENING METHODOLOGY AND SYSTEMS		



**Documents Filed:**  
Combined Declaration and Power of Attorney (12 pages)  
Petition for Extension of Time (1 page)  
Copy of documents associated with the electronic filing of Sequence Listing (6 pages)

Response to Notice to File Missing Parts of Application (2 pages)

Return copy of Notice to File Missing Parts (2 pages)

Fee Transmittal (1 page)

Charge \$1415.00 to deposit account 18-1945

This return postcard receipt

**Sender's Initials:** MPV/bxl      **Date:** October 7, 2002

# COPY

Via:	First Class Mail	Atty Dkt No.:	MIN-P01-038
Inventor:	Stephanopoulos et al.		
Application No.:	10/076106	Filing Date:	February 13, 2002
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